IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9196 of 2005

Between:

Sailu Dharma Raju S/o. Nageswara Rao, Hindu,
R/o. Indukurupeta Village, Devipatnam Mandal, E.G. District.

..... PETITIONER

AND

1 The Additional Agent to the Government, East Godavari District, I:T:D:A, Rampachodavaram.
2 The Special Deputy Collector (Tribal Welfare) Rampachodavaram, E.G. District.
3 The Special Deputy Tahaildar (Tribal Welfare) Devipatnam, E.G. District.
4 The Mandal Revenue Officer, Devipatnam, E.G. District.
5 Chavala Suranna Dora S/o. Ramanna Dora, Hindu, Major,
R/o. Indukurupet Village, Devipatnam Mandal, E.G. DIstrict.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writs, declaring as illegal, arbitrary, and violation of Art. 21 of the Constitution of India and the action of the 1st respondent in not granting stay of the orders of the 2nd respondent in LTRP No. 234 of 2003 dt. 21-7-04 in spite of the statutory appeal filed by the petitioner i.e, CMA No. of 2004 dt. 24-8-04 against the orders of the 2nd Respondent in LTRP No: 234 of 03 dt. 21-7-2004 and it is further consequentially prayed that this Hon'ble Court may be pleased to suspend the operation of the order in LTRP No. 234/03 dt. 21-7-04 on the file of the respondent pending disposal of the CMA No: of 2004 dt. 24-8-04 on the file of the 1st Respondent and pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondent Nos.1to3: GP FOR SOCIAL WELFARE
Counsel for the Respondent No.4: --

The Court at the time of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not passing any orders in the appeal filed against the order of the second respondent in L.T.R.P.No.234 of 2003 dated 21.07.2004, under which, the petitioner was sought to be evicted from the possession of the land in an extent of Ac.4.10 cents in Survey No.240-1 of Kamalampalem village, Devi Patnam Mandal, East Godavari District.

2. According to the petitioner, the second respondent initiated proceedings at the instance of the fifth respondent under the A.P. Land Transfer Regulation 1/59 as amended by Regulation 1/70 (for short 'the regulation') alleging that the petitioner is in possession of the land in contravention of the regulations, and accordingly ordered eviction of the petitioner from the schedule land and restoration of the same to the Government for assigning it to the eligible tribals. Aggrieved by the same, the petitioner filed an appeal before the appellate authority - first respondent on 24.08.2004 along with an application for stay. But, however, the first respondent did not pass any orders. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner.

4. As the appeal filed by the petitioner is still pending before the first respondent and no orders are passed even on the stay petition, the writ petition is disposed of directing the first respondent to dispose of the appeal expeditiously, preferably within a period of three months. Pending disposal of the appeal, the respondents are directed not to dispossess the petitioner, if not already dispossessed.

5. The writ petition is accordingly disposed of at the admission stage.

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S.Ananda Reddy, J

Date: 28.06.2005

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To

1 The Additional Agent to the Government, East Godavari District, I:T:D:A, Rampachodavaram.
2 The Special Deputy Collector (Tribal Welfare) Rampachodavaram, E.G. District.
3 The Special Deputy Tahaildar (Tribal Welfare) Devipatnam, E.G. District.
4 The Mandal Revenue Officer, Devipatnam, E.G. District.
5 Two CCs to G.P for Social Welfare, High Court of A.P. Buildings, Hyderabad (OUT)
6 2 CD copies

7 1 CC to MR.SANKU